IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2836 OF 2004

Shri Ramesh Narayan Sawant ..Petitioner.

Versus

Shri Prakash Ravindra Prabhakar & Ors. ..Respondents.

Mrs. Gauri Godse for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 01st SEPTEMBER,2005.

P.C.:

1. Admittedly, regular civil suit Nos. 151/1995 and 114/1994 in respect of the same lands which are the subject matter of the orders passed by the revenue authorities, are pending. The question whether the petitioner is in possession or whether he has been deprived of possession without compliance of section 29 of the Bombay Tenancy and Agricultural Lands Act is in issue in that suit. However, the very possession receipt, which is said to be evidence of the petitioner’s possession or having lost possession is in question in that suit. The mutation entries have

been obviously effected in pursuance of that possession receipt.

2. In these circumstances, there is no reason to interfere with the impugned order. Civil court shall decide the suits independently and the petitioner shall be entitled to apply for mutation entry in the record of rights depending on the outcome of the civil suits.

3. In view of this, the petition is dismissed.

DT.01.09.05 (S.A.BOBDE,J)

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